

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VICTORIA BIBBS,

Plaintiff,

V.

SUSAN STROHMEYER, et al.,

Defendants.

Civil Action No. 05-41 Erie

ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation (Doc. 20) filed on July 1, 2005, recommended that the Motion for More Definite Statement or in the alternative, to Dismiss filed by Defendants Zborgowski and Cavanaugh (Doc. 8) be granted in part and denied in part; and the Motion to Dismiss or for a More Definite Statement filed by Defendant Munch (Doc. 10) be denied in part and granted in part. The parties were allowed ten (10) days from the date of service to file any objections. Service was made on all parties. Plaintiff filed a Notice of Objection.

After *de novo* review of the documents in the case, together with the report and recommendation and plaintiff's Notice of Objection, the following Order is entered:

AND NOW, to-wit, this 26th day of July, 2005, IT IS HEREBY ORDERED as follows:

1. The Motion for More Definite Statement or in the alternative, to Dismiss filed by Defendants Zborgowski and Cavanaugh (Doc. 8) be and hereby is GRANTED in part and DENIED in part. Specifically, the Motion for More Definite Statement is GRANTED and the Motion to Dismiss is DENIED.

2. The Motion to Dismiss or for a More Definite Statement filed by Defendant Munch (Doc. 10) be and hereby is GRANTED in part and DENIED in part. Specifically, the Motion for More Definite Statement is GRANTED and the Motion to Dismiss is DENIED.

3. Plaintiff must file an amended complaint within thirty-five days.

4. The report and recommendation of Magistrate Judge Baxter (Doc. 20) dated June 30, 2005, and entered on the docket on July 1, 2005, be and hereby is adopted as the Opinion of this Court.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: The Honorable Susan Paradise Baxter
United States Magistrate Judge

all parties of record